REMARKS

Reconsideration of this application is respectfully requested in view of the foregoing amendment and the following remarks.

This Amendment is responsive to the Notice of Non-Compliant Amendment mailed May 8, 2006, and replaces the Amendment filed February 16, 2006 (note that the Notice incorrectly indicates that the original Amendment was filed on February 7, 2006).

Claims 1-33 were pending in this application. Claims 1-22, 24, 26 and 33 and have been canceled, claims 23, 25, 28 and 32 have been amended, and new claims 34-39 have been added hereby. Support for the amendment can be found in the now-cancelled claims and, for example, in paragraphs [0021], [0032] and [0037] of the application. No new matter has been entered. For the reasons stated below, Applicants respectfully submit that all claims pending in this application are in condition for allowance.

In the Notice of Non-Compliant Amendment and in a subsequent telephone conversation with the Examiner on May 11, 2006, the Patent Office took the position that the claims submitted with the Amendment filed February 16, 2006 were directed towards a different invention than that recited in original claims 1-33. In response, Applicants have amended original claim 23 to recite additional limitations. Nothing has been cancelled from original claim 23 except for the lettered "numbering" for respective paragraphs. In other words, amended claim 23, as presented herein, is a narrower version of original claims 23 and, as such, cannot be characterized as being directed to a different invention.

In the Office Action mailed October 19, 2005, claims 1, 4 and 33 were objected to; claims 1-13, 23, 24 and 25-32 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite; claim 1 was rejected under 35 U.S.C. §102(b) as being anticipated by Wyman (U.S. Patent 5,745,879); claims 1-6, 8-18, 20-26 and 28-33 were rejected under 35 U.S.C. §103(a) as being unpatentable over Coley et al. (U.S. Patent 5,790664) in view of Horstmann (U.S. Patent 6,009,401); and claims 7, 19 and 27 were rejected under 35 U.S.C. §103(a) as being unpatentable over Coley et al., Horstmann and further in view of Wyman. To the extent these objections and rejections might still be applied to claims presently pending in this application, they are respectfully traversed.

Applicants believe that the cancellation and amendments to the claims render moot or overcome the prior objections and rejections.

As now more clearly claimed, the invention comprises a method by which software users are connected via a network to a trusted third party (such as a financial institution or, more specifically, a bank). Software users request access to one or more software packages. The financial institution calculates a total "value" of the software being used at that time, based on, e.g., pre-negotiated usage costs for individual software packages and the number of users using the software packages. If the granting of still more access to a particular software package will cause a maximum allowable value of software usage to be exceeded, the user is offered an alternative software package to use that will not cause a predetermined threshold ("a predetermined maximum permissible use value") to be exceeded, as recited in amended claim 23.

For example, a particular user might not need a full copy of a comprehensive computer aided drawing (CAD) software package, when, e.g., that user might only really need a "reader" software package for a CAD file. A "reader" software package might have a lower usage value than a corresponding comprehensive CAD software package. Accordingly, if the "reader" software package is used, the maximum permissible use value, considering all software being used at that time by different software users, might then not be exceeded. As a result, the "reader" software package might be offered as an alternative package.

In one possible implementation, the methodology of the present invention might calculate [(number of users of given software package)x(usage cost for that software package)] for each software package then being used to determine an overall use value. The methodology might then, in the context of receiving a request for use of a software package, offer an alternative software package to a user when the overall use value would exceed a predetermined maximum level if the user's original request were granted.

While the prior art relied upon in the Office Action discloses several methodologies for controlling the dissemination of software using some type of licensing scheme over a network, none of the cited prior art discloses the specific limitation of offering an alternative usage plan in response to a request for software access when that access would cause a predetermined maximum permissible use value to be exceeded, as now recited by amended claim 23. That is, none of the cited prior art includes the concept of calculating "use values" based on the number of users of different software packages, as claimed. Since none of the cited prior art discloses or

even suggests this specific feature of the present invention, Applicants respectfully submit that the newly-presented claims should all be patentable over that prior art.

In view of the foregoing all of the claims in this case are believed to be in condition for allowance. Should the Examiner have any questions or determine that any further action is desirable to place this application in even better condition for issue, the Examiner is encouraged to telephone applicants' undersigned representative at the number listed below.

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Respectfully submitted,

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